

By: Leach

H.B. No. 2578

Substitute the following for H.B. No. 2578

By: \_\_\_\_\_

C.S. ~~H.~~B. No. 2578

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and operation of a public information  
Internet website by the Department of Information Resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 5, Government Code, is amended  
by adding Chapter 561 to read as follows:

CHAPTER 561. PUBLIC INFORMATION INTERNET WEBSITE

Sec. 561.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Information  
Resources.

(2) "Governmental entity" means:

(A) a state agency in the executive, legislative,  
or judicial branch of state government, including an institution of  
higher education as defined by Section 61.003, Education Code; or

(B) a political subdivision of this state.

(3) "Public information" means a public or legal  
notice that a governmental entity is required to publish under a  
statute or rule of this state and any other information a  
governmental entity elects to submit for publication on the public  
information Internet website.

(4) "Public information Internet website" means the  
official state Internet website developed and maintained by the  
department under this chapter.

Sec. 561.002. PUBLIC INFORMATION INTERNET WEBSITE. (a)

1 The department shall develop and maintain an Internet website of  
2 public information, including archived public information.

3 (b) The public information Internet website must be  
4 designed to:

5 (1) allow a governmental entity to easily post public  
6 information on the Internet website or the department to post  
7 public information on receipt of the information from the entity;

8 (2) allow the public to search and sort the public  
9 information on the Internet website by:

10 (A) a specific municipality or county;

11 (B) a governmental entity name;

12 (C) the type of governmental entity;

13 (D) the submission date of the public  
14 information;

15 (E) the event or deadline date stated in the  
16 public information; and

17 (F) any additional criteria approved by the  
18 department;

19 (3) allow the public to search and view archived  
20 public information posted on the Internet website;

21 (4) allow a person to subscribe to e-mail notices of  
22 public information associated with a specific governmental entity;

23 (5) be easily accessible by the public 24 hours a day,  
24 seven days a week, through the Texas.gov Internet website that  
25 includes a direct link to the public information Internet website;

26 (6) have a unique and easy to remember Internet  
27 website address; and

1           (7) have adequate systems for information security and  
2 backup and a contingency plan to address power outages, systematic  
3 failures, and electronic security.

4           (c) The department shall develop a process for a  
5 governmental entity to access the public information Internet  
6 website to post public information or modify information previously  
7 posted by the entity or to submit the information or modified  
8 information to the department for posting on the Internet website.

9           (d) In developing the public information Internet website,  
10 the department shall coordinate with the Office of Court  
11 Administration of the Texas Judicial System regarding the Internet  
12 website maintained by the office as required by Section 72.034, as  
13 added by Chapter 606 (S.B. 891), Acts of the 86th Legislature,  
14 Regular Session, 2019, to eliminate unnecessary duplication and  
15 ensure each Internet website at a minimum includes a link to the  
16 other Internet website.

17           Sec. 561.003. SUBMISSION OF PUBLIC INFORMATION; EXCEPTION.

18           (a) Subject to Subsection (b), each governmental entity:

19                   (1) shall submit for inclusion on the public  
20 information Internet website any public or legal notice a statute  
21 or rule of this state requires the entity to publish in a newspaper;  
22 and

23                   (2) may submit any other public information the entity  
24 elects to submit.

25           (b) A governmental entity is not required to submit for  
26 inclusion on the public information Internet website any public or  
27 legal notice that another statute or rule of this state requires the

1 entity to publish on the Internet website maintained by the Office  
2 of Court Administration of the Texas Judicial System as required by  
3 Section 72.034, as added by Chapter 606 (S.B. 891), Acts of the 86th  
4 Legislature, Regular Session, 2019.

5 Sec. 561.004. EFFECT OF PUBLICATION ON PUBLIC INFORMATION  
6 INTERNET WEBSITE. (a) Notwithstanding any other law other than  
7 Subsection (b), a governmental entity's submission of public  
8 information to the public information Internet website satisfies a  
9 requirement imposed by another statute or rule of this state to  
10 publish notice in a newspaper.

11 (b) A governmental entity's submission of public  
12 information to the public information Internet website does not  
13 satisfy a requirement imposed by another statute or rule of this  
14 state to:

15 (1) publish notice on the Internet website maintained  
16 by the Office of Court Administration of the Texas Judicial System  
17 under Section 72.034, as added by Chapter 606 (S.B. 891), Acts of  
18 the 86th Legislature, Regular Session, 2019; or

19 (2) retain the information or a record for a period  
20 specified in the statute or rule.

21 (c) A governmental entity at the entity's discretion may  
22 publish notice of public information in any other format authorized  
23 by a statute or rule of this state in addition to submitting the  
24 public information for publication on the public information  
25 Internet website.

26 Sec. 561.005. IMMUNITY FROM LIABILITY OR PENALTY. A  
27 governmental entity that in good faith attempts to submit public

1 information to the public information Internet website is not  
2 subject to liability or other penalty for failing to post the public  
3 information to the public information Internet website or to  
4 deliver an e-mail notice of the posted public information.

5         SECTION 2. As soon as practicable after the effective date  
6 of this Act, but not later than September 1, 2022:

7                 (1) the Department of Information Resources shall  
8 develop the public information Internet website required by Chapter  
9 561, Government Code, as added by this Act; and

10                (2) each governmental entity in this state shall begin  
11 submitting public information to the public information Internet  
12 website in the format and manner required by the department and  
13 Chapter 561, Government Code, as added by this Act.

14         SECTION 3. This Act takes effect September 1, 2021.